

Message

From: Schwab, Justin [schwab.justin@epa.gov]
Sent: 4/28/2017 4:46:20 PM
To: Dravis, Samantha [dravis.samantha@epa.gov]
CC: McGartland, Al [McGartland.Al@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
Subject: Re: RIA CPP

I agree

Sent from my iPhone

On Apr 28, 2017, at 12:42 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

Sorry I mis-read this. I think in light of the DC Circuit's order today, we can take a little more time. Justin, Mandy?

From: McGartland, Al
Sent: Friday, April 28, 2017 12:37 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RIA CPP

We issued a pens down order on all the contributors to the RIA. We need to ship this to be combined with the Preamble by 2:00 pm.

Ex. 5 Deliberative Process (DP)

There will be lots to discuss moving to the final and we would like to get your input early so we can do some additional work to support the rulemaking if it is needed.

Message

From: Dravis, Samantha [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ECE53F0610054E669D9DFFE0B3A842DF-DRAVIS, SAM]
Sent: 4/28/2017 6:12:03 PM
To: McGartland, Al [McGartland.Al@epa.gov]
CC: Schwab, Justin [schwab.justin@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
Subject: RE: RIA CPP

Ex. 5 Deliberative Process (DP) I think these are all good questions and I think the meeting with the Administrator might be a little bit premature today.

I never saw the draft RIA, did you send that? Are you here today, Al?

From: McGartland, Al
Sent: Friday, April 28, 2017 1:57 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Schwab, Justin <schwab.justin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: RIA CPP

Good. I wouldn't mind getting a quick debrief on the order and how this affects our schedule and a discussion of whether we need to do more analysis or just enrich the one we completed.

Ex. 5 Deliberative Process (DP)

From: Dravis, Samantha
Sent: Friday, April 28, 2017 12:42 PM
To: McGartland, Al <McGartland.Al@epa.gov>
Cc: Schwab, Justin <schwab.justin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: RIA CPP

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From: McGartland, Al
Sent: Friday, April 28, 2017 12:37 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RIA CPP

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Ex. 5 Deliberative Process (DP)

There will be lots to discuss moving to the final and we would like to get your input early so we can do some additional work to support the rulemaking if it is needed.

Message

From: Dravis, Samantha [dravis.samantha@epa.gov]
Sent: 4/28/2017 1:00:23 PM
To: McGartland, Al [McGartland.Al@epa.gov]
CC: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]
Subject: Re: preamble to CPP

Apparently we are not meeting at noon anymore.

Sent from my iPad

On Apr 28, 2017, at 8:52 AM, McGartland, Al <McGartland.Al@epa.gov> wrote:

Ok. I will still check with OAQPS on the preamble issues.

From: Dravis, Samantha
Sent: Friday, April 28, 2017 8:51 AM
To: McGartland, Al <McGartland.Al@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: Re: preamble to CPP

Hold tight and let me make sure we are all set to meet at noon. Standby.

Sent from my iPad

On Apr 28, 2017, at 8:45 AM, McGartland, Al <McGartland.Al@epa.gov> wrote:

Yes, I can be available. I was planning on wrapping up the ria from home. Ex. 6 Personal Privacy (PP)
Ex. 6 Personal Privacy (PP) It would be easier for me if I
know to come in by 10 or so.

I will check now.

From: Dravis, Samantha
Sent: Friday, April 28, 2017 8:43 AM
To: McGartland, Al <McGartland.Al@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: Re: preamble to CPP

We need to discuss this, then. Al is there anyway that you can be available at noon for a meeting with the administrator? Please check on the things you listed below

Sent from my iPad

On Apr 28, 2017, at 8:29 AM, McGartland, Al <McGartland.Al@epa.gov> wrote:

I am not aware of the schedule for wrapping up the CPP draft – but last time I looked, the preamble was missing some sections that address standing executive orders on Environmental Justice and others. I think OAQPS is drafting something, but I have not seen it.

Ex. 5 Deliberative Process (DP)

I think OAR is not planning on offering technical critiques of past analysis.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Schmidt, Lorie [Schmidt.Lorie@epa.gov]
Sent: 4/28/2017 5:06:06 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
CC: Minoli, Kevin [Minoli.Kevin@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]; Zenick, Elliott [Zenick.Elliott@epa.gov]; Jordan, Scott [Jordan.Scott@epa.gov]
Subject: Re: CPP order issued

It's done

Sent from my iPhone

On Apr 28, 2017, at 1:05 PM, Srinivasan, Gautam <Srinivasan.Gautam@epa.gov> wrote:

We'll take care of that.

+++++++
202-564-5647 (o)

Ex. 6 Personal Privacy (PP)

 (c)

From: Minoli, Kevin
Sent: Friday, April 28, 2017 1:03 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Jordan, Scott <Jordan.Scott@epa.gov>
Subject: RE: CPP order issued

Thanks, Guatam. Will you also send a note to Sarah and Mandy, or would you like us to? Kevin

Kevin S. Minoli
Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

From: Srinivasan, Gautam
Sent: Friday, April 28, 2017 1:00 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Jordan, Scott <Jordan.Scott@epa.gov>
Subject: CPP order issued

Apologies for any duplication but the DC Cir has ordered the CPP litigation be placed in abeyance for 60 days. By May 15, the parties are to file supplemental briefs addressing whether the cases should be remanded to the agency rather than held in abeyance.

Not including Justin as I believe he is recused.

+++++++
202-564-5647 (o)

Ex. 6 Personal Privacy (PP)

 (c)

From: Lipshultz, Jon (ENRD) [<mailto:Jon.Lipshultz@usdoj.gov>]

Sent: Friday, April 28, 2017 10:48 AM

To: Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>;
Jordan, Scott <Jordan.Scott@epa.gov>

Cc: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>

Subject: CPP order issued

Hot off the presses. See attached.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Jack

Jack Lipshultz
Assistant Section Chief
Environmental Defense Section

Ex. 6 Personal Privacy (PP)

Message

From: Freire, JP [Freire.JP@epa.gov]
Sent: 4/28/2017 5:06:00 PM
To: Bowman, Liz [Bowman.Liz@epa.gov]
CC: Fotouhi, David [fotouhi.david@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]; Konkus, John [konkus.john@epa.gov]; Graham, Amy [graham.amy@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]
Subject: Re: CPP decision

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I'd

rather it be right than fast.

Ex. 5 Deliberative Process (DP)

J.P. Freire
Environmental Protection Agency
Associate Administrator for Public Affairs
Mobile: Ex. 6 Personal Privacy (PP)

On Apr 28, 2017, at 12:59 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

We have talked about CPP often without talking to DOJ...that's fine, but it would have been good to get some heads up b/c we want to make sure that we are included in the stories on this.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Fotouhi, David
Sent: Friday, April 28, 2017 12:46 PM
To: Freire, JP <Freire.JP@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: RE: CPP decision

Agreed

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Freire, JP
Sent: Friday, April 28, 2017 12:42 PM

To: Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: Fwd: CPP decision

We have to coordinate with doj.

J.P. Freire
Environmental Protection Agency
Associate Administrator for Public Affairs
Mobile: Ex. 6 Personal Privacy (PP)

Begin forwarded message:

From: "Valentine, Julia" <Valentine.Julia@epa.gov>
Date: April 28, 2017 at 12:39:48 PM EDT
To: "Freire, JP" <Freire.JP@epa.gov>
Subject: FW: CPP decision

Julia P. Valentine
Assoc. Dir./Acting Dir.
U.S. EPA, Ofc of Media Relations
202.564.2663 direct
Ex. 6 Personal Privacy (PP) m/txt

From: Hornbuckle, Wyn (OPA) [<mailto:Wyn.Hornbuckle@usdoj.gov>]
Sent: Friday, April 28, 2017 12:33 PM
To: Millett, John <Millett.John@epa.gov>; Senn, John <Senn.John@epa.gov>
Cc: Hornbuckle, Wyn (OPA) <Wyn.Hornbuckle@usdoj.gov>; Valentine, Julia <Valentine.Julia@epa.gov>
Subject: RE: CPP decision

Thanks John,
DOJ needs to clear any statements before they go out, as with all litigation. I'll flag this for the team

From: Millett, John [<mailto:Millett.John@epa.gov>]
Sent: Friday, April 28, 2017 12:17 PM
To: Senn, John <Senn.John@epa.gov>
Cc: Hornbuckle, Wyn (OPA) <Wyn.Hornbuckle@usdoj.gov>; Valentine, Julia <Valentine.Julia@epa.gov>
Subject: Re: CPP decision

Here's the statement I've seen -- recommend connecting with Jahan

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

John Millett

Ex. 6 Personal Privacy (PP)

On Apr 28, 2017, at 11:50 AM, Senn, John <Senn.John@epa.gov> wrote:

Probably John Millett from our air office and Julia Valentine from our press shop—cc'ing both of them on this email. Not sure the degree to which our counsel's office has been involved with language, but John & Julia should know.

Thanks,
John

From: Hornbuckle, Wyn (OPA) [<mailto:Wyn.Hornbuckle@usdoj.gov>]
Sent: Friday, April 28, 2017 11:21 AM
To: Senn, John <Senn.John@epa.gov>
Subject: CPP decision

John – Can you remind me real quick who I should coordinate with on CPP ruling, and phone and email address if you have it?

Message

From: Schmidt, Lorie [Schmidt.Lorie@epa.gov]
Sent: 4/28/2017 5:05:33 PM
To: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Minoli, Kevin [Minoli.Kevin@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]
CC: Jordan, Scott [Jordan.Scott@epa.gov]; Zenick, Elliott [Zenick.Elliott@epa.gov]
Subject: Fwd: CPP Litigation Update - Court enters 60-day stay and requests briefs on whether to remand rule
Attachments: ENV_DEFENSE-#804486-v1-admin_su_cpp_order_april_28_2017.PDF; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Jordan, Scott" <Jordan.Scott@epa.gov>
Date: April 28, 2017 at 12:36:06 PM EDT
To: "Jordan, Scott" <Jordan.Scott@epa.gov>
Subject: **CPP Litigation Update - Court enters 60-day stay and requests briefs on whether to remand rule**

Today, the D.C. Circuit issued the attached order, which:

Ex. 5 AC/DP

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 15-1363**September Term, 2016****EPA-80FR64662****EPA-82FR4864****Filed On: April 28, 2017**

State of West Virginia, et al.,

Petitioners

v.

Environmental Protection Agency and E.
Scott Pruitt, Administrator, United States
Environmental Protection Agency,

Respondents

American Wind Energy Association, et al.,
Intervenors-----
Consolidated with 15-1364, 15-1365,
15-1366, 15-1367, 15-1368, 15-1370,
15-1371, 15-1372, 15-1373, 15-1374,
15-1375, 15-1376, 15-1377, 15-1378,
15-1379, 15-1380, 15-1382, 15-1383,
15-1386, 15-1393, 15-1398, 15-1409,
15-1410, 15-1413, 15-1418, 15-1422,
15-1432, 15-1442, 15-1451, 15-1459,
15-1464, 15-1470, 15-1472, 15-1474,
15-1475, 15-1477, 15-1483, 15-1488

BEFORE: Garland*, Chief Judge, and Henderson, Rogers, Tatel, Brown,
Griffith, Kavanaugh, Srinivasan, Millett, Pillard, and Wilkins,
Circuit Judges

ORDER

Upon consideration of the joint motion of the Utility Air Regulatory Group and American Public Power Association and LG&E and KU Energy LLC to sever and consolidate, the oppositions thereto, the response to the joint motion, and the joint reply; the joint motion of Entergy Corporation, Westar Energy, Inc., and NorthWestern Corporation to sever and consolidate, the opposition thereto, the response to the motion, and the reply; the motion of National Association of Home Builders to sever and consolidate, the opposition thereto, the response to the motion, and the reply;

* Chief Judge Garland did not participate in this matter.

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 15-1363**September Term, 2016**

the motion of petitioners States of West Virginia, Texas, Alabama, Arkansas, Georgia, Indiana, Kansas, Louisiana, Montana, Nebraska, New Jersey, Ohio, South Carolina, South Dakota, Utah, Wisconsin, Wyoming and the Arizona Corporation Commission, the State of Mississippi Department of Environmental Quality, and the State of Mississippi Public Service Commission to sever and consolidate, and the opposition thereto, and the response to the motion, and the reply; the motion of the State of North Dakota to sever and consolidate, the oppositions thereto, and the response to the motion, and the reply; the motion of Denbury Onshore, LLC to sever and consolidate, and the opposition thereto, and the response to the motion; the motion of Basin Electric Power Cooperative to sever and consolidate, and the opposition thereto, and the response to the motion; the motion of EPA to hold cases in abeyance, the response in support, the corrected opposition with supplement, the oppositions to the motion, and the reply, and in light of the vote by a majority of judges eligible to participate, it is

ORDERED that the motion to hold the cases in abeyance be granted to the extent that these consolidated cases be held in abeyance for 60 days from the date of this order. EPA is directed to file status reports at 30-day intervals beginning 30 days from the date of this order. It is

FURTHER ORDERED that the parties file supplemental briefs addressing whether these consolidated cases should be remanded to the agency rather than held in abeyance. The supplemental briefs are due at 4:00 p.m. on May 15, 2017, and may not exceed 3,900 words if produced using a computer or 15 pages if typewritten or handwritten. To the extent possible, the parties are to file jointly. The court looks with extreme disfavor upon duplicative submissions. The parties are to hand-deliver 30 paper copies of their submission to the court by the time and date due. It is

FURTHER ORDERED that consideration of the motions to sever and consolidate be deferred pending further order of the court.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk

Message

From: Gelber, Bruce (ENRD) [Bruce.Gelber@usdoj.gov]
Sent: 5/1/2017 6:08:24 PM
To: Schwab, Justin [schwab.justin@epa.gov]; Minoli, Kevin [Minoli.Kevin@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]; Schmidt, Lorie [Schmidt.Lorie@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]
CC: Wood, Jeffrey (ENRD) [Jeffrey.Wood@usdoj.gov]; Grant, Eric (ENRD) [Eric.Grant@usdoj.gov]; Middleton, Brandon (ENRD) [Brandon.Middleton@usdoj.gov]
Subject: RE: Agenda for EPA-ENRD weekly call

Oops. Resending with the agenda copied into the email.

From: Gelber, Bruce (ENRD)
Sent: Monday, May 01, 2017 2:04 PM
To: Schwab, Justin <schwab.justin@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; 'Schmidt, Lorie' <Schmidt.Lorie@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>
Cc: Wood, Jeffrey (ENRD) <JWood@ENRD.USDOJ.GOV>; Grant, Eric (ENRD) <EGrant@ENRD.USDOJ.GOV>; Middleton, Brandon (ENRD) <BMiddleton@ENRD.USDOJ.GOV>
Subject: Agenda for EPA-ENRD weekly call

All: Attached (and below) is a proposed agenda for the EPA-ENRD weekly call at 3:30 pm today. As per our prior calls, some of the items will require only a quick update; others will require some discussion.

Please forward the proposed agenda to anyone else from EPA senior management who plans to participate on the call.

Talk to you soon.

Bruce

cc: Jeff, Brandon, Eric

Bruce S. Gelber
Deputy Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Room 2609
Washington, D.C. 20530-0001
Phone: Ex. 6 Personal Privacy (PP)
Facsimile

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Proposed Agenda Topics for Weekly EPA/ENRD Call

May 1, 2017

Enforcement Cases

Ex. 5 AC/AWP

Mandatory Duty and other Defensive Cases

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Petitions for Review

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Message

From: Schmidt, Lorie [Schmidt.Lorie@epa.gov]
Sent: 4/28/2017 6:08:11 PM
To: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Minoli, Kevin [Minoli.Kevin@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]
CC: Jordan, Scott [Jordan.Scott@epa.gov]; Zenick, Elliott [Zenick.Elliott@epa.gov]
Subject: RE: CPP Litigation Update - Court enters 60-day stay and requests briefs on whether to remand rule

Sorry about that

Lorie Schmidt
Associate General Counsel, Air and Radiation
Office of General Counsel
US Environmental Protection Agency
(202)564-1681

From: Gunasekara, Mandy
Sent: Friday, April 28, 2017 1:12 PM
To: Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Jordan, Scott <Jordan.Scott@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>
Subject: RE: CPP Litigation Update - Court enters 60-day stay and requests briefs on whether to remand rule

Sarah G. is recused, so pulled her off this conversation.

From: Schmidt, Lorie
Sent: Friday, April 28, 2017 1:07 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Cc: Jordan, Scott <Jordan.Scott@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>
Subject: Re: CPP Litigation Update - Court enters 60-day stay and requests briefs on whether to remand rule

Adding in Sarah G

Sent from my iPhone

On Apr 28, 2017, at 1:05 PM, Schmidt, Lorie <Schmidt.Lorie@epa.gov> wrote:

Sent from my iPhone

Begin forwarded message:

From: "Jordan, Scott" <Jordan.Scott@epa.gov>
Date: April 28, 2017 at 12:36:06 PM EDT
To: "Jordan, Scott" <Jordan.Scott@epa.gov>
Subject: CPP Litigation Update - Court enters 60-day stay and requests briefs on whether to remand rule

Today, the D.C. Circuit issued the attached order, which:

Ex. 5 AC/DP

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

<ENV_DEFENSE-#804486-v1-admin_su_cpp_order_april_28_2017.PDF>

Message

From: Hornbuckle, Wyn (OPA) [Wyn.Hornbuckle@usdoj.gov]
Sent: 4/28/2017 5:26:46 PM
To: Freire, JP [Freire.JP@epa.gov]; Hornbuckle, Wyn (OPA) [Wyn.Hornbuckle@usdoj.gov]
CC: Valentine, Julia [Valentine.Julia@epa.gov]; Prior, Ian (OPA) [Ian.Prior@usdoj.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]; Graham, Amy [graham.amy@epa.gov]
Subject: RE: CPP decision

Slight tweak indicate the rule review process going on. We're good with this

Ex. 5 AC/DP

From: Freire, JP [mailto:Freire.JP@epa.gov]
Sent: Friday, April 28, 2017 1:23 PM
To: Hornbuckle, Wyn (OPA) <Wyn.Hornbuckle@usdoj.gov>
Cc: Valentine, Julia <Valentine.Julia@epa.gov>; Prior, Ian (OPA) <Ian.Prior@usdoj.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>
Subject: Re: CPP decision

Got it. Adding others so they have it. Guys, this is attributable to me.

J.P. Freire
Environmental Protection Agency
Associate Administrator for Public Affairs
Mobile: [Ex. 6 Personal Privacy (PP)]

On Apr 28, 2017, at 1:17 PM, Hornbuckle, Wyn (OPA) <Wyn.Hornbuckle@usdoj.gov> wrote:

JP – Can you work with this going forward?

Ex. 5 Deliberative Process (DP)

From: Freire, JP [mailto:Freire.JP@epa.gov]
Sent: Friday, April 28, 2017 12:43 PM
To: Valentine, Julia <Valentine.Julia@epa.gov>; Hornbuckle, Wyn (OPA) <Wyn.Hornbuckle@usdoj.gov>; Millett, John <Millett.John@epa.gov>; Senn, John <Senn.John@epa.gov>
Subject: RE: CPP decision

Wyn, I'm at [Ex. 6 Personal Privacy (PP)]. Absolutely agree we need to coordinate, just want to touch base with you on this one thing.

From: Valentine, Julia
Sent: Friday, April 28, 2017 12:41 PM

To: Hornbuckle, Wyn (OPA) <Wyn.Hornbuckle@usdoj.gov>; Millett, John <Millett.John@epa.gov>; Senn, John <Senn.John@epa.gov>; Freire, JP <Freire.JP@epa.gov>

Subject: RE: CPP decision

Hi Wyn,

I'm adding JP Freire to this chain.

From: Hornbuckle, Wyn (OPA) [mailto:Wyn.Hornbuckle@usdoj.gov]

Sent: Friday, April 28, 2017 12:38 PM

To: Millett, John <Millett.John@epa.gov>; Senn, John <Senn.John@epa.gov>

Cc: Hornbuckle, Wyn (OPA) <Wyn.Hornbuckle@usdoj.gov>; Valentine, Julia <Valentine.Julia@epa.gov>

Subject: RE: CPP decision

Jahan's email or phone?

From: Millett, John [mailto:Millett.John@epa.gov]

Sent: Friday, April 28, 2017 12:17 PM

To: Senn, John <Senn.John@epa.gov>

Cc: Hornbuckle, Wyn (OPA) <Wyn.Hornbuckle@usdoj.gov>; Valentine, Julia <Valentine.Julia@epa.gov>

Subject: Re: CPP decision

Here's the statement I've seen -- recommend connecting with Jahan

Ex. 5 Deliberative Process (DP)

John Millett

Ex. 6 Personal Privacy (PP)

On Apr 28, 2017, at 11:50 AM, Senn, John <Senn.John@epa.gov> wrote:

Probably John Millett from our air office and Julia Valentine from our press shop—cc'ing both of them on this email. Not sure the degree to which our counsel's office has been involved with language, but John & Julia should know.

Thanks,
John

From: Hornbuckle, Wyn (OPA) [mailto:Wyn.Hornbuckle@usdoj.gov]

Sent: Friday, April 28, 2017 11:21 AM

To: Senn, John <Senn.John@epa.gov>

Subject: CPP decision

John – Can you remind me real quick who I should coordinate with on CPP ruling, and phone and email address if you have it?

Message

From: Bowman, Liz [Bowman.Liz@epa.gov]
Sent: 4/28/2017 5:28:18 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]
Subject: FW: CPP decision

Ex. 5 Deliberative Process (DP)

I will talk to JP

From: Freire, JP
Sent: Friday, April 28, 2017 12:54 PM
To: Fotouhi, David <fotouhi.david@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: Re: CPP decision

Ex. 5 Deliberative Process (DP)

J.P. Freire
Environmental Protection Agency
Associate Administrator for Public Affairs
Mobile: (202) 309-6781

On Apr 28, 2017, at 12:45 PM, Fotouhi, David <fotouhi.david@epa.gov> wrote:

Agreed

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Freire, JP
Sent: Friday, April 28, 2017 12:42 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: Fwd: CPP decision

We have to coordinate with doj.

J.P. Freire
Environmental Protection Agency
Associate Administrator for Public Affairs
Mobile: Ex. 6 Personal Privacy (PP)

Begin forwarded message:

From: "Valentine, Julia" <Valentine.Julia@epa.gov>
Date: April 28, 2017 at 12:39:48 PM EDT
To: "Freire, JP" <Freire.JP@epa.gov>
Subject: FW: CPP decision

Julia P. Valentine
Assoc. Dir./Acting Dir.
U.S. EPA, Ofc of Media Relations
202.564.2663 direct

Ex. 6 Personal Privacy (PP) m/txt

From: Hornbuckle, Wyn (OPA) [mailto:Wyn.Hornbuckle@usdoj.gov]
Sent: Friday, April 28, 2017 12:33 PM
To: Millett, John <Millett.John@epa.gov>; Senn, John <Senn.John@epa.gov>
Cc: Hornbuckle, Wyn (OPA) <Wyn.Hornbuckle@usdoj.gov>; Valentine, Julia <Valentine.Julia@epa.gov>
Subject: RE: CPP decision

Thanks John,
DOJ needs to clear any statements before they go out, as with all litigation. I'll flag this for the team

From: Millett, John [mailto:Millett.John@epa.gov]
Sent: Friday, April 28, 2017 12:17 PM
To: Senn, John <Senn.John@epa.gov>
Cc: Hornbuckle, Wyn (OPA) <Wyn.Hornbuckle@usdoj.gov>; Valentine, Julia <Valentine.Julia@epa.gov>
Subject: Re: CPP decision

Here's the statement I've seen -- recommend connecting with Jahan

Ex. 5 AC/DP

John Millett

Ex. 6 Personal Privacy (PP)

On Apr 28, 2017, at 11:50 AM, Senn, John <Senn.John@epa.gov> wrote:

Probably John Millett from our air office and Julia Valentine from our press shop—cc'ing both of them on this email. Not sure the degree to

which our counsel's office has been involved with language, but John & Julia should know.

Thanks,
John

From: Hornbuckle, Wyn (OPA) [<mailto:Wyn.Hornbuckle@usdoj.gov>]
Sent: Friday, April 28, 2017 11:21 AM
To: Senn, John <Senn.John@epa.gov>
Subject: CPP decision

John – Can you remind me real quick who I should coordinate with on CPP ruling, and phone and email address if you have it?

Message

From: Hornbuckle, Wyn (OPA) [Wyn.Hornbuckle@usdoj.gov]
Sent: 4/28/2017 5:23:13 PM
To: Freire, JP [Freire.JP@epa.gov]; Hornbuckle, Wyn (OPA) [Wyn.Hornbuckle@usdoj.gov]
CC: Valentine, Julia [Valentine.Julia@epa.gov]; Prior, Ian (OPA) [Ian.Prior@usdoj.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]; Graham, Amy [graham.amy@epa.gov]
Subject: RE: CPP decision

If you can hold for 5 mins, I may have a quick update

From: Freire, JP [mailto:Freire.JP@epa.gov]
Sent: Friday, April 28, 2017 1:23 PM
To: Hornbuckle, Wyn (OPA) <Wyn.Hornbuckle@usdoj.gov>
Cc: Valentine, Julia <Valentine.Julia@epa.gov>; Prior, Ian (OPA) <Ian.Prior@usdoj.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>
Subject: Re: CPP decision

Got it. Adding others so they have it. Guys, this is attributable to me.

J.P. Freire
Environmental Protection Agency
Associate Administrator for Public Affairs
Mobile: (Ex. 6 Personal Privacy (PP))

On Apr 28, 2017, at 1:17 PM, Hornbuckle, Wyn (OPA) <Wyn.Hornbuckle@usdoj.gov> wrote:

JP – Can you work with this going forward?

Ex. 5 Deliberative Process (DP)

From: Freire, JP [mailto:Freire.JP@epa.gov]
Sent: Friday, April 28, 2017 12:43 PM
To: Valentine, Julia <Valentine.Julia@epa.gov>; Hornbuckle, Wyn (OPA) <Wyn.Hornbuckle@usdoj.gov>; Millett, John <Millett.John@epa.gov>; Senn, John <Senn.John@epa.gov>
Subject: RE: CPP decision

Wyn, I'm at (Ex. 6 Personal Privacy (PP)) Absolutely agree we need to coordinate, just want to touch base with you on this one thing.

From: Valentine, Julia
Sent: Friday, April 28, 2017 12:41 PM
To: Hornbuckle, Wyn (OPA) <Wyn.Hornbuckle@usdoj.gov>; Millett, John <Millett.John@epa.gov>; Senn, John <Senn.John@epa.gov>; Freire, JP <Freire.JP@epa.gov>
Subject: RE: CPP decision

Hi Wyn,

I'm adding JP Freire to this chain.

From: Hornbuckle, Wyn (OPA) [mailto:Wyn.Hornbuckle@usdoj.gov]
Sent: Friday, April 28, 2017 12:38 PM
To: Millett, John <Millett.John@epa.gov>; Senn, John <Senn.John@epa.gov>
Cc: Hornbuckle, Wyn (OPA) <Wyn.Hornbuckle@usdoj.gov>; Valentine, Julia <Valentine.Julia@epa.gov>
Subject: RE: CPP decision

Jahan's email or phone?

From: Millett, John [mailto:Millett.John@epa.gov]
Sent: Friday, April 28, 2017 12:17 PM
To: Senn, John <Senn.John@epa.gov>
Cc: Hornbuckle, Wyn (OPA) <Wyn.Hornbuckle@usdoj.gov>; Valentine, Julia <Valentine.Julia@epa.gov>
Subject: Re: CPP decision

Here's the statement I've seen -- recommend connecting with Jahan

Ex. 5 Deliberative Process (DP)

John Millett

Ex. 6 Personal Privacy (PP)

On Apr 28, 2017, at 11:50 AM, Senn, John <Senn.John@epa.gov> wrote:

Probably John Millett from our air office and Julia Valentine from our press shop—cc'ing both of them on this email. Not sure the degree to which our counsel's office has been involved with language, but John & Julia should know.

Thanks,
John

From: Hornbuckle, Wyn (OPA) [mailto:Wyn.Hornbuckle@usdoj.gov]
Sent: Friday, April 28, 2017 11:21 AM
To: Senn, John <Senn.John@epa.gov>
Subject: CPP decision

John – Can you remind me real quick who I should coordinate with on CPP ruling, and phone and email address if you have it?

Message

From: Minoli, Kevin [Minoli.Kevin@epa.gov]
Sent: 4/28/2017 5:08:40 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Fotouhi, David [fotouhi.david@epa.gov]
Subject: FW: CPP Litigation Update - Court enters 60-day stay and requests briefs on whether to remand rule
Attachments: ENV_DEFENSE-#804486-v1-admin_su_cpp_order_april_28_2017.PDF; ATT00001.htm

Ryan- I wanted to make sure you have the news below. We will work with Mandy, Sarah D, and others on next steps.
Kevin

Kevin S. Minoli

Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

From: Schmidt, Lorie
Sent: Friday, April 28, 2017 1:06 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Jordan, Scott <Jordan.Scott@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>
Subject: Fwd: CPP Litigation Update - Court enters 60-day stay and requests briefs on whether to remand rule

Sent from my iPhone

Begin forwarded message:

From: "Jordan, Scott" <Jordan.Scott@epa.gov>
Date: April 28, 2017 at 12:36:06 PM EDT
To: "Jordan, Scott" <Jordan.Scott@epa.gov>
Subject: CPP Litigation Update - Court enters 60-day stay and requests briefs on whether to remand rule

Today, the D.C. Circuit issued the attached order, which:

Ex. 5 AC/DP

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

Message

From: Bowman, Liz [Bowman.Liz@epa.gov]
Sent: 4/28/2017 5:07:36 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]
Subject: RE: Reporter seeking comment on executive orders and agency vacancies

Okay thanks.

From: Fotouhi, David
Sent: Friday, April 28, 2017 12:45 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: Reporter seeking comment on executive orders and agency vacancies

Ex. 5 Deliberative Process (DP)

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Bowman, Liz
Sent: Friday, April 28, 2017 11:31 AM
To: Schwab, Justin <schwab.justin@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>
Subject: RE: Reporter seeking comment on executive orders and agency vacancies

Ex. 5 Deliberative Process (DP)

From: Schwab, Justin
Sent: Friday, April 28, 2017 11:26 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Subject: RE: Reporter seeking comment on executive orders and agency vacancies

I am okay with this but looping in David for his take

From: Wilcox, Jahan
Sent: Friday, April 28, 2017 11:25 AM
To: Schwab, Justin <schwab.justin@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: FW: Reporter seeking comment on executive orders and agency vacancies

Do you want us to respond to the DC Circuit placing a hold on CPP and do you have any thoughts on this DRAFT statement:

Ex. 5 Deliberative Process (DP)

From: Keith Goldberg [<mailto:keith.goldberg@law360.com>]
Sent: Friday, April 28, 2017 11:12 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Reporter seeking comment on executive orders and agency vacancies

Thanks, Jahan.

Wanted to see if the EPA wanted to comment on the D.C. Circuit placing the Clean Power Plan litigation on hold. If you could get back to me ASAP, I'd appreciate it.

On Thu, Apr 27, 2017 at 2:23 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Keith –

It was good talking with you. Below is our statement and research bullets.

EPA Statement ...

“EPA was the poster child for regulatory overreach in the Obama Administration. Since being sworn in, Administrator Pruitt and his team have spearheaded over 22 significant regulatory reform actions, putting him at the forefront of President Trump’s vision to rollback regulations, save American jobs and promote economic growth. We’re not worried about our ability to give power back to the state, and protect health and the environment in a way that doesn’t impede economic growth because we’ve already made great strides.” – EPA spokesman, Jahan Wilcox

RESEARCH BULLETS ...

GEARING UP FOR DAY 100: Energy and environmental issues offer perhaps the most concrete accomplishments for President Donald Trump to point to as he nears the 100-day mark of his presidency. He's signed four energy-related resolutions wiping out Obama-era rules, put in place Cabinet officials dedicated to rolling back other regulations and unleashed a steady stream of executive orders and photo ops designed to reach his promise of U.S. energy independence. But whether any of this turns into a lasting legacy for Trump largely depends on what happens from here. His Cabinet lacks the political staff to follow up on his efforts undo rules like EPA's Clean Power Plan and Waters of the U.S., and there will be years of litigation over every move undoing regulations on the books. And his actions appear to have awoken scores of citizens opposed to his environmental deregulatory agenda (see below). More to come on this front as we near the actual date later this week. (Politico’s Morning Energy, 04/24/17)

An executive order was issued to rescind WOTUS. “President Trump and EPA Administrator Scott Pruitt

issued an executive order to rescind or revise the 2015 Clean Water Rule: Definition of 'Waters of the United States.'" ([Press Release](#), 02/28/17)

An executive order was issued to rescind the so-called Clean Power Plan. "Today, at the Environmental Protection Agency surrounded by American energy workers, public employees and members of Congress, President Donald Trump signed the Energy Independence Executive Order to protect thousands of jobs and strengthen energy security, while also ensuring that our policies provide clean air and clean water for all of our citizens." ([Press Release](#), 03/28/17)

The EPA will resume cleanup at the East Chicago Superfund site. "The U.S. Environmental Protection Agency (EPA) is preparing to resume cleanup work in zones 2 and 3 of the USS Lead Superfund site in East Chicago in April. EPA has reached an agreement with several potentially responsible parties to fund part of this work valued at an estimated \$16 million -- in addition to the \$26 million already secured for work under a 2014 consent decree." ([Press Release](#), 03/20/17)

EPA Administrator Scott Pruitt toured lead-contaminated areas in East Chicago. "During Pruitt's visit, his first to a Superfund site since being appointed administrator, he toured the Calumet neighborhood, met with local, state and federal officials, and talked with residents and community members about how the lead and arsenic contamination has affected their lives. 'The reason I'm here is that it's important that we restore confidence to people here in this community that we're going to get it right,' Pruitt said. The EPA's objective is to come in and make sure people's health is protected, and that their land and health are secure in the long run, Pruitt said. 'We're committed to doing that,' Pruitt said." ([Chicago Tribune](#), 04/19/17)

The NAACP praised Pruitt for visiting the East Chicago Superfund Site and said they are cautiously optimistic about the EPA's Administrator. "It was the first superfund site EPA Administrator Scott Pruitt has visited -- making a trip there Wednesday -- and the agency said he was the first administrator to visit this particular site. Pruitt visited "to discuss cleanup and hear directly from East Chicago residents affected by contamination in their community," the agency said in a press release. At a press conference, local officials praised Pruitt for visiting the site ... Barbara Bolling-Williams, state president of the Indiana branch of the NAACP, said she is cautiously optimistic following Pruitt's visit." ([CNN](#), 04/19/17)

EPA awarded \$100 million to upgrade drinking water in Flint, Michigan. "The U.S. Environmental Protection Agency (EPA) today awarded a \$100 million grant to the Michigan Department of Environmental Quality to fund drinking water infrastructure upgrades in Flint, Mich." ([Press Release](#), 03/17/17)

The EPA kicks-off cleanup at the West Oakland Superfund site. "[The EPA] joined local leaders and community members in Oakland to celebrate the installation and start-up of a new groundwater and soil treatment system at the AMCO Chemical Superfund Site." ([Press Release](#), 03/18/17)

EPA committed additional funds surround the Gold King Mine release, bringing the total to \$29 million. "The U.S. Environmental Protection Agency (EPA) has provided over \$90,000 in additional reimbursements to five entities in Colorado and Utah for their costs incurred responding to the August 5, 2015, Gold King Mine release." ([Press Release](#), 03/16/17)

EPA to reexamine emission standards for cars and light duty trucks. "'These standards are costly for automakers and the American people,' said EPA Administrator Scott Pruitt. 'We will work with our partners at DOT to take a fresh look to determine if this approach is realistic. This thorough review will help ensure that this national program is good for consumers and good for the environment.'" ([Press Release](#), 03/15/17)

EPA Administrator seeks additional time to review RMP Rule. "Administrator Scott Pruitt signed a proposed rule this week to further delay the effective date of EPA's Risk Management Program (RMP) Amendments to allow EPA time to complete the process for reconsidering the RMP Amendments issued on January 17, 2017." ([Press Release](#), 03/31/17)

EPA extended the comment period on the Hard Rock Mining proposed rule that could cost businesses \$171 million annually. "The Environmental Protection Agency today issued a 120-day extension of the comment period related to proposed financial responsibility requirements for the hard rock mining industry. The Agency has received dozens of requests to extend the comment period. EPA estimates predict the implementation of these requirements would cost American businesses up to \$171 million a year." ([Press Release](#), 02/24/17)

From: Keith Goldberg [<mailto:keith.goldberg@law360.com>]
Sent: Thursday, April 27, 2017 11:29 AM
To: Press <Press@epa.gov>
Subject: Reporter seeking comment on executive orders and agency vacancies

I'm working on a story taking a look at the executive orders issued by President Trump directing the EPA to review and potentially revise rules including the Clean Power Plan and the methane rule. I'd like to know how concerned the agency is about its ability to carry out the orders - and in a timely fashion - with still so many agency vacancies - deputy administrator, office of air and radiation administrator, etc. - and no permanent candidates having been nominated yet.

If you could get back to me ASAP, I'd appreciate it.

--

Best,

Keith Goldberg
Senior Reporter, Energy



A LexisNexis® Company

Legal News & Data
111 West 19th Street
5th Floor
New York, NY 10011
Phone: Ex. 6 Personal Privacy (PP)

Mobile: Ex. 6 Personal Privacy (PP)

E-mail: keith.goldberg@law360.com



[@kdgscribe](https://twitter.com/kdgscribe)



[@Energy Law360](https://twitter.com/EnergyLaw360)

--

Best,

Keith Goldberg
Senior Reporter, Energy



A LexisNexis® Company

Legal News & Data
111 West 19th Street
5th Floor
New York, NY 10011

Phone: Ex. 6 Personal Privacy (PP)

Mobile:

E-mail: keith.goldberg@law360.com



[@kdgscribe](https://twitter.com/kdgscribe)



[@Energy Law360](https://twitter.com/EnergyLaw360)

Message

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 4/28/2017 5:30:34 PM
To: Munoz, Charles [munoz.charles@epa.gov]; Ford, Hayley [ford.hayley@epa.gov]
Subject: FW: CPP order issued
Attachments: ENV_DEFENSE-#804486-v1-admin_su_cpp_order_april_28_2017.PDF

Charles, Hayley,

FYI, I wanted to make sure you saw that the D.C. Circuit granted our motion to hold the legal challenge to the CPP in abeyance. The court's order is attached and a summary of the order from DOJ is below. If you have any questions, please let me know.

Best,

David

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Middleton, Brandon (ENRD) [mailto:Brandon.Middleton@usdoj.gov]
Sent: Friday, April 28, 2017 11:26 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Subject: FW: CPP order issued

Ex. 5 AC/DP

From: Lipshultz, Jon (ENRD)
Sent: Friday, April 28, 2017 10:54 AM
To: Middleton, Brandon (ENRD) <BMiddleton@ENRD.USDOJ.GOV>; Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Subject: CPP order issued

Brandon and Bruce – the DC Circuit just issued an order in the CPP litigation. Copy attached. The highlights

Ex. 5 AC/DP

Message

From: Fotouhi, David [fotouhi.david@epa.gov]
Sent: 4/28/2017 3:08:07 PM
To: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
Subject: Re: POLITICO Pro Breaking News: Court suspends Clean Power Plan lawsuit

Yes!

Sent from my iPhone

On Apr 28, 2017, at 11:07 AM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

!!

From: Bolen, Brittany
Sent: Friday, April 28, 2017 11:06 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: FW: POLITICO Pro Breaking News: Court suspends Clean Power Plan lawsuit
Importance: High

From: POLITICO Pro Energy [<mailto:politicoemail@politicopro.com>]
Sent: Friday, April 28, 2017 10:55 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: POLITICO Pro Breaking News: Court suspends Clean Power Plan lawsuit

A federal court has granted the Trump administration's request to pause the lawsuit against the EPA's Clean Power Plan while the agency works to repeal the rule.

The D.C. Circuit Court of Appeals' decision makes it easier for President Donald Trump to repeal what had been the crown jewel of President Barack Obama's climate change agenda. The landmark rule sought to curb power plant carbon dioxide emissions 32 percent below 2005 levels by 2030.

To change your alert settings, please go to <https://www.politicopro.com/settings>

POLITICOPRO

This email was sent to bolen.brittany@epa.gov by: POLITICO, LLC 1000 Wilson Blvd.
Arlington, VA, 22209, USA
